

1952

SEP 03 1998

Nov. 19

CONCORD, N.H.

Sulo J. Tani, Planning Director
State Planning and Development Commission
Concord, New Hampshire

Dear Mr. Tani:

You have inquired, under date of November 18, 1952, if the members of the Planning and Development Commission, who by section 2 of chapter 3 of the Revised Laws are constituted as the Land Use Board, have a responsibility in connection with the acquisition of land in Newington by the federal government for the development of an air base. Please be advised that it is my opinion that under the circumstances of this case such members do not have a responsibility in that connection.

Although the Legislature has given consent to the acquisition of land by the United States for any public purpose duly authorized by the laws of the United States, such consent is given subject to the provisions of chapter 3. The limitations contained in section 6 of that chapter make it clear that the purpose of the chapter is to provide a method for acquiring such lands "as by reason of quality, location, or condition are better adapted to public conservation, forestry, recreation, experimental, and demonstration purposes than for continued private ownership and development."

In connection with the Newington Air Base I am advised that the federal government is proceeding in accordance with authority vested in the Secretary of the Air Force by Public Law 254 of the 82nd Congress (1st Session). This authority is granted "For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force" as authorized under certain acts passed in the 81st and 82nd Congress. Second Appropriation Act, 1952. Further clarification of the purpose of the appropriation is contained in Pub. L. 155, section 101, et seq.